

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. It is requested that the above amendments be entered in that they place this application in condition for allowance.

Claim amendments/Status

Claims 1-13 remain pending in the application. Claims 6, 12 and 13 are withdrawn.

Claim objections

Claim 1 has been amended in manner which rectifies the shortcoming noted in paragraph #1 of this Office Action.

Rejections under 35 USC § 102

The rejection of claims 1-3, 5, 8 and 11 under 35 USC 102(b) as being anticipated by Duffy (US 6,619,723) herein referred to as Duffy, is respectfully traversed.

The member A designated by the Examiner in Figure 7 of Duffy '723, is disposed between the two brackets, so as to prevent the two brackets from directly contacting with each other. Therefore, the member A functions as a bushing, and promotes smooth, low frictional relative movement and prevents emission of noises etc. caused by the contact between the two brackets. This is clear from the member A's structure such that the member A has a shape of a plate having flange portions, which prevent contact of the two brackets between which a flange portion is placed. The technique to provide this kind of member A (bushing) between two brackets is well-known among those skilled in the art for providing a smooth low friction bearing arrangement. That is to say, a bearing would not rationally be considered a device for producing friction but for reducing same.

In addition, the member A (bushing) will never generate friction torque in the manner it is disposed between the two brackets, and therefore, the member A differs from the friction force generating mechanism of the present invention, by which friction torque is generated. Accordingly, the member A of Duffy neither discloses nor suggest the friction force generating

mechanism of the present invention.

Rejections under 35 USC § 103

The rejections of:

- 1) claims 4, 9, and 10 under 35 USC 103(b) as being unpatentable over Duffy; and
 - 2) claim 7 under 35 USC 103(a) as being unpatentable over Duffy as applied to claim 1 above in further in view of Kaneko et al. (US 6,421,878) hereinafter Kaneko;
- are both respectfully traversed.

The friction force generating mechanism of claim 1 of the present invention is not found or even remotely suggested in the Duffy reference. This immediately renders both the above rejections moot.

Further, the claimed invention is provided with at least a friction plate and a spring washer, which are disposed so that they are placed between a stationary-side hinge bracket and a rotation-side hinge bracket in a sequentially assembled manner. Then, the spring washer is distorted between the stationary-side hinge bracket and the rotation-side hinge bracket, so that friction torque is generated, and therefore the rotation-side hinge bracket is held at a specified angle. This friction force generating mechanism of the claimed invention, consisting of the friction plate and the spring washer, is completely different from the member A of Duffy as noted *supra*.

Kaneko is directed to creating a torque difference in a tilting hinge. The disclosed arrangement is directed to generating a clutching torque as the rotation of two hinged members is varied. However, other than the brake-light force that is generated rendering it more difficult to move one of the hinged members with respect to the other, there is no torque which is applied to the hinged members which would tend to rotate one with respect to the other.

While Kaneko does make use of spring washers in its embodiments, it does not produce any torque nor is in need of the same. Accordingly, the combination of Duffy and Kaneko

would not lead the person of ordinary skill in the direction of the claimed invention.

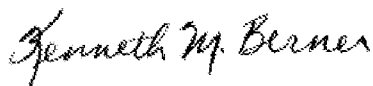
Indeed, in order to establish a *prima facie* case of obviousness, it is necessary for the PTO to show that the hypothetical person of ordinary skill would, without any knowledge of the claimed subject matter and without any inventive activity, be provided with disclosure of all of the claimed elements and then motivated to arrive at the claimed subject matter given the guidance of the cited references when each is fully considered as statutorily required. It is submitted that the examiner has failed to meet these requirements for at least the reasons noted *supra*.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: April 30, 2009
KMB/KJT/cac